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REMARKS

Claims 1, 2, 4-8, 10-14, 16-27 and 30-33 are pending. Claims 3, 9, 15, 28, and 29 have been canceled without prejudice or disclaimer of the subject matter therein.

In the Office Action, the Examiner objected to the drawings; required deletion from the disclosure; rejected claims 1-20 and 28-33 under 35 U.S.C. § 112, ¶2; rejected claims 1, 7, 13, 19-22, 28, and 29 under 35 U.S.C. § 102(b) as being anticipated by Sakata et al. (U.S. Patent No. 5,140,541); stated that claims 23-27 would be allowable if rewritten in independent form; and stated that claims 2-6, 8-12, 14-18, and 30-33 would be allowable if rewritten in independent form and to overcome the § 112, ¶2 rejection.

The objection to the drawings has been obviated by the cancellation of claims 28 and 29.

Paragraph [0012] has been deleted from the disclosure as required by the Examiner.

The § 112, ¶2 rejections of claims 2, 4-6, 8, 10-14, 16-18, and 30-33 have been obviated by the amendments thereto. The cancellation of claims 3, 9, 15, 28 and 29 obviates the § 112, ¶2 rejections thereof.

Applicants respectfully traverse the § 112, ¶2 rejection of claims 1, 7, and 19-21¹, because the elements in question are neither unclear nor imprecise (see M.P.E.P. § 2173.02). Unquestionably the claim elements in question, each beginning with "repeating," clearly define the metes and bounds of the claims: repeating two or more prior steps. Such language is not unclear or imprecise. Nor has such been alleged on pages 2 or 3 of the Office Action. Only a bare conclusion of "indefinite" has been set forth.

¹ Although claim 21 is not explicitly rejected under 35 U.S.C. § 112, ¶2 in the Office Action, it contains similar "repeating" language to claims 1, 7, 19, and 20.

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Thus, a *prima facie* case of indefiniteness under 35 U.S.C. § 112, ¶2 has not been alleged or factually supported. Nor can one be established, because claims 1, 7, and 19-21 are sufficiently clear and definite. Thus, the § 112, ¶2 rejection of claims 1, 7, and 19-21 is improper and should be withdrawn.

In an effort to be fully responsive, however, and purely for explanatory purposes, Applicants note that there is no textual requirement, in claim 1 for example, that "a filter" in a repeated "step a" be the same "a filter" in the first "step a." Even if there were, however, there is also no requirement, in the case law or elsewhere, that Applicants claim all possible steps in a given method. Rather, as explained in M.P.E.P. § 2173.01, "applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as **>any special meaning assigned to a term is clearly set forth in the specification." Applicants, having chosen the terminology and structure claims 1, 7, and 19-21, respectfully decline the implied invitation to change them.

Applicants respectfully traverse the § 102(b) rejection of claims 1, 7, 13, and 19-22 over Sakata et al. Independent claims 1, 13, 19, and 21 require methods and articles including, *inter alia*, "disengaging [a] filter in a sequence of graduated steps." Independent claims 7, 13, 20, and 21 require methods and articles including, *inter alia*, "engaging a filter in a sequence of graduated steps." Independent claim 22 requires a method including, *inter alia*, "inaudibly switching one or more filters on and/or off during processing of an input signal by: migrating their coefficients from an original set of values to a final set of values through a series of

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intermediate steps.” Sakata et al. fails to disclose all elements of the methods and articles in claims 1, 7, 13, and 19-22.

Page 2 of the Office Action alleges that the Abstract of Sakata et al. discloses “changing the filter coefficients from an initial set to a final set via a graduated or intermediate sequence of steps.” Although Sakata et al. arguably discloses gradually changing filter coefficients, this is not what is claimed. Claims 1, 13, 19, and 21 require “disengaging [a] filter,” and claims 7, 13, 20, and 21 require “engaging a filter.” Applicants use the claim terms “engaging” and “disengaging” consistently with their meaning in the specification. See paragraph [0014] (around page 4, line 8), likening these terms to “insertion and removal” and “switching on and off;” paragraph [0017] (around page 6, line 8), likening “disengaged” to “a filter which has no effect;” and paragraph [0025] (around page 9, line 12), stating “The inverse of neutralizing a filter is engaging, or enabling, a filter.”

By contrast, Sakata et al. only discloses changing the operating point of an always-operational filter. See col. 2, lines 28-32: “an object of the invention is to provide a digital filter system capable of smoothly changing or moving the cutoff frequency while substantially maintaining filter characteristics in a region near the cutoff frequency.” See also, Figs. 18 and 20, illustrating always-on filters. See further, col. 11, lines 38-40: “In summary, Control DF routine (FIG. 7) can control the digital filter 108 without deteriorating its characteristics;” and col. 14, lines 17-19: “smoothly changes the *operative* filter coefficients of the digital filter from the old to the new set of filter coefficients” (emphasis added).

Thus, Sakata et al. only discloses changing the cutoff frequency of an always-on filter. It does not disclose “disengaging [a] filter in a sequence of graduated steps” as required by claims

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1, 13, 19, and 21 or "engaging a filter in a sequence of graduated steps" as required by claims 7, 13, 20, and 21. Sakata et al. also fails to disclose "inaudibly switching one or more filters on and/or off" as set forth in claim 22. Hence, Sakata et al. fails to disclose all elements of claims 1, 7, 13, and 19-22. The § 102(b) rejection of claims 1, 7, 13, and 19-22 over Sakata et al. is improper, and should be withdrawn.

Reconsideration and allowance of pending claims 1, 2, 4-8, 10-14, 16-27 and 30-33 is respectfully requested.

In the event that any outstanding matters remain in this application, Applicants request that the Examiner contact Alan Pedersen-Giles, attorney for Applicants, at the number below to discuss such matters.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0221 and please credit any excess fees to such deposit account.

Respectfully submitted,

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